

FORMER REGIONAL GOVERNMENTS (DISPOSAL OF CERTAIN PROPERTIES) DECREE 1971



Decree No. 7

[27th May 1967]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) All rights, interests, obligations and liabilities of any former Regional Government in any of the premises specified in the Schedule to this Decree shall be deemed, with effect from the 27th May 1967, to have vested in and devolved upon the Federal Military Government.

Devolution
of certain
premises.

(2) The High Commissioner for Nigeria in London is hereby authorised as agent and representative of the Federal Military Government to take such action (whether by way of executing deeds or other documents or otherwise) as may in his opinion be necessary or expedient for the proper management or disposal of any of the said premises.

2. In this Decree "former Regional Government" means the Government of a former Region of Nigeria and includes, in relation to any such Region, the Governor, Military Governor, Agent-General or any other officer or person holding property in trust for or otherwise on behalf of the Region or its Government.

Interpreta-
tion.

3.—(1) This Decree may be cited as the Former Regional Governments (Disposal of Certain Properties) Decree 1971 and shall apply throughout the Federation and elsewhere to the extent necessary to give it proper effect.

Citation,
extent and
commence-
ment.

(2) This Decree shall be deemed to have come into force on 27th May 1967.

SCHEDULE

Section 1

No. 113, Hendon Way, London, N.W.2

No. 142, Cheviot Gardens, London, N.W.2

No. 176, The Vale, London, N.W.11

No. 104, Cotswold Gardens, London, N.W.2

No. 105, Cotswold Gardens, London, N.W.2

SCHEDULE—*continued*

No. 15A, Kensington Gardens, London, W.8
No. 17, Chester Street, London, S.W.1
No. 35, Phillimore Gardens, London, W.8
Nos. 178/202, Great Portland Street, London, W.1
No. 23, Phillimore Gardens, London, W.8
No. 257, The Vale, London, N.W.11
No. 2, Tanfield Avenue, London, N.W.2
No. 35, Woodstock Road, London, N.W.11
No. 93, Chatsworth Road, London, N.W.2
Nos. 69/69A, St. Paul's Avenue, London, N.W.2
No. 73, Priory Park Road, London, N.W.6

MADE at Lagos this 22nd day of March 1971.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This does not form part of the above Decree but is intended to
explain its purpose)*

This Decree vests in the Federal Military Government certain houses in London which were previously vested in the former Regional Governments.

THE TRANSFERRED OFFICERS AND PENSIONS LIABILITY ETC. DECREE 1971



ARRANGEMENT OF SECTIONS

Section

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Provisions as to transfer of officers to the public service of the Federation. 2. Provisions as to certain officers assigned to the Interim Common Services Agency. 3. Service conditions of transferred officers, etc. 4. Retirement on pension of certain officers on expiration of the life of an Agency. 5. Pension rights preserved in cases of transfers to any approved service. | <ol style="list-style-type: none"> 6. Apportionment of certain pensions. 7. Liability for pension of certain retired officers. 8. Sums payable under this Decree to be charged on Consolidated Revenue Funds. 9. Set off. 10. Application of Pensions (Transferred Service) Act 1965 to public service of a State, etc. 11. General modification of pensions law. 12. Citation, interpretation, commencement and extent. |
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Decree No. 8

[27th May, 1967]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1.—(1) Subject to this Decree, on or after the appointed day the Public Service Commission of the Federation (in this Decree hereinafter referred to as "the Commission") may transfer any officer in the public service of a former Region to the public service of the Federation.

(2) The power conferred on the Commission by subsection (1) above shall be without prejudice to the provisions of any other enactment, but, subject to this Decree, shall at all times be or be deemed to have been exercisable by the Commission, whether or not before the appointed day the officer concerned had been assigned for a period or periods (by any authority having power to do so) to perform duties in an office in the service or employment of any authority approved by the Commission.

Provisions
as to trans-
fer of
officers to
the public
service of
the Federa-
tion.

Provisions
as to certain
officers
assigned to
the Interim
Common
Services
Agency.

2. If, before the making of this Decree, an officer had been assigned, by any authority having power to do so, to perform the duties of any office in the service of the Interim Common Services Agency, the officer shall, with effect from such date as the Commission may determine (not earlier in any event than the date on which the officer was so assigned) be deemed—

(a) to have been transferred to the public service of the Federation under section 1 of this Decree; and

(b) to have been assigned by the Commission on secondment from the public service of the Federation to perform the duties of that office in the service of the Interim Common Services Agency.

Service con-
ditions of
transferred
officers, etc.

3.—(1) Where an officer in the public service of a former Region is, on or after the appointed day, transferred to the public service of the Federation or to the public service of any State, the terms and conditions of service to be applied to that officer in respect of his service in the public service of the Federation or, as the case may be, of the State to which he is transferred, shall not be less favourable to him than the terms and conditions of service that applied to him immediately before the date of his transfer:

Provided that new terms and conditions of service subsequently brought into force with respect to the public service to which an officer is so transferred, being terms and conditions that are applicable in his case, shall apply to him.

(2) If, on or after the appointed day, an officer retires from the public service of a former Region by reason of the fact that he has not, on or after that date, accepted appointment in any other office in any public service in the Federation or, as the case may be, in any office in any approved service, within the meaning of the Pensions Act, that officer shall not, by reason only of so retiring, be entitled to any pension or gratuity or other like benefit (other than such as may be granted under any pensions enactment or under his contract of service, as the case may be).

Cap. 147.

Retirement
on pension
of certain
officers on
expiration
of the life of
an Agency.

4.—(1) Without prejudice to the provisions of any other enactment, where an Agency ceases to function, the Commission may, for any reason whatsoever, terminate the appointment of any officer to whom this section applies if, at any time after the Agency ceases to function, that officer is not assigned by the Commission to perform duties in any other office in any public service in the Federation or, as the case may be, in an office in any approved service within the meaning of the Pensions Act.

(2) Where the employment of an officer to whom this section applies is terminated under subsection (1) above for any reason (other than as a result of the imposition upon him of sentence of imprisonment for an offence) and the officer concerned is the holder of a pensionable office within the meaning of the Pensions Act, that officer shall be deemed to have retired from the public service of the Federation in consequence of the abolition of his office in that service and, subject to section 6 of this Decree, the provisions of the Pensions Act relating to the abolition of office shall apply accordingly in respect of that office.

(3) This section applies to any officer who is transferred to the public service of the Federation under section 1 above or who is deemed under section 2 above to have been transferred to that service, if—

(a) under this Decree, the officer had been assigned or is deemed to have been assigned by the Commission to perform the duties of any office in the service of an Agency; and

(b) the officer was performing the duties of any office in the service of that Agency immediately before the Agency ceases to function.

(4) In this section "an Agency" means—

(a) the Interim Common Services Agency established under the Interim Common Services Agency Decree 1968 ;

1968 No. 12.

(b) the Eastern States Interim Assets and Liabilities Agency established under the Eastern States Interim Assets and Liabilities Agency Decree 1970.

1970 No. 39.

5.—(1) Where—

(a) before the appointed day, the holder of a pensionable office in the public service of a former Region (in this section hereinafter referred to as "the office holder") had been assigned, by any authority having power to do so, to perform the duties of any service or employment (other than public service or service with an Agency to which section 4 of this Decree applies) for a period or periods ; and

Pension rights preserved in cases of transfers to any approved service.

(b) the service or employment to which the office holder had been so assigned is not treated under any enactment relating to pensions, in force in that former Region, as employment in the public service of that Region ; then, the following provisions of this section shall have effect.

(2) If on the appointed day, the office holder is still the holder of a pensionable office as mentioned in subsection (1) above and the Commission on or after that date, approves the assignment aforesaid, the Commission may, with the consent of the office holder and with effect from such date as the Commission may determine (not earlier in any event than the date on which the office holder was first assigned to perform those duties), transfer the office holder to the service or employment to which the office holder had been so assigned ; and upon the transfer pursuant to this subsection the service or employment to which the office holder is so transferred shall for the purposes of the Pensions Act be deemed to be an "approved service" and be treated as employment in public service.

Cap. 147.

6.—(1) The following provisions of this section shall have effect in relation to any pension, gratuity or other like benefit (in this section referred to as "the pension") properly payable to any officer to whom this section applies or to the widow, widower, children, dependants or personal representatives of any such officer, under or pursuant to any enactment (other than this Decree) relating to pensions, in respect of service of that officer in any public service in the Federation.

Apportionment of certain pensions.

(2) The cost of the pension payable in respect of the public service of any officer to whom this section applies shall be shared by the Federation and any State to which the officer is transferred or, as the case may be, by the Federation and each State in the public service of which the officer has served, so that the Federation shall pay such amount of the pension as is proportionate to the aggregate amount of the pensionable emoluments received by the officer in respect of his service in the public service of the Federation within the meaning of this section, and the State to which the officer is transferred or, as the case may be, the State in which he has served shall pay such amount of the pension as is proportionate to the aggregate amount of the pensionable emoluments received by that officer in respect of his service in the public service of that State.

(3) This section applies to the following officers, that is to say—

(a) any officer in the public service of a former Region who becomes an officer in the public service of the Federation under section 1 or 2 of this Decree ;

(b) any officer in the public service of a former Region (not being an officer to whom paragraph (a) above applies), who on or after the appointed day is transferred to the public service of any State ;

(c) an officer who, under section 4 (2) of this Decree, is deemed to have retired from the public service of the Federation in consequence of the abolition of his office.

(4) For the purposes of this section—

(a) service in the public service of a former Region for any period commencing on or after 1st October 1954 and ending immediately before 1st April 1968 ; and

1967 No. 18.

(b) service with the Interim Administrative Councils established under the Interim Administrative Council Decree 1967 or, as the case may be, with any State, for any period commencing on or after 27th May 1967 and ending immediately before 1st April 1968,

shall be deemed to be service in the public service of the Federation.

Liability
for pension
of certain
retired
officers.

7. Where, before the appointed day, any pension, gratuity, or other like benefit was, under any enactment relating to pensions, payable by the Government of a former Region to—

(a) any officer entitled thereto ; or

(b) the widow, widower, children dependants or personal representatives of any such officer,

in respect of service of that officer in the public service of the former Region for any period commencing on or after 1st October 1954 and ending immediately before the appointed day, then with effect from the appointed day, the Government of the Federation shall be and become liable for the payment of any pension properly so payable, and the liability of any other authority shall cease accordingly.

Sums
payable
under this
Decree to be
charged on
Consolidated
Revenue
Funds.

8. Any sum that is payable under section 6 or 7 of this Decree by the Government of the Federation shall be charged on the Consolidated Revenue Fund of the Federation, and any sum that is payable under those sections by the Government of any State shall be charged on the Consolidated Revenue Fund of that State.

Set off.
1963 No. 20.

9. Any sum that is required by Chapter IX of the Constitution of the Federation to be paid by the Federation to a State may be set off by the Federation in or towards the payment of any sum that is required by this Decree to be paid by any State as its share of any pension payable in respect of the service of any officer who had served in the public service of that State, and the said Chapter IX shall be construed accordingly.

10.—(1) The Pensions (Transferred Service) Act 1965 shall have effect in relation to transfers to or from the Armed Forces and the public service of any State as it has effect in relation to transfers to or from the Armed Forces and the public service of the Federation.

Application of Pensions (Transferred Service) Act 1965 to public service of a State, etc.

(2) Accordingly, the Act of 1965 aforesaid shall be amended to the following extent, that is to say—

1965 No. No. 28.

(a) in the long title, for the words "THE PUBLIC SERVICE OF THE FEDERATION" there shall be substituted the words "ANY PUBLIC SERVICE IN THE FEDERATION";

(b) in section 1, and—

(i) in subsections (1) and (2) (a), for the words "Government of the Federation" there shall be substituted the words "Federation or of any State therein", and for the words "the Acts hereafter mentioned" there shall be substituted the words "any existing pensions law",

(ii) in subsection 2 (b) for the words "section 2 of the Pensions Act" there shall be substituted the words "any existing pensions law", and for the word "Acts" there shall be substituted the word "enactments";

(c) after subsection (2) of section 1 there shall be inserted the following new subsection—

"(3) In this section "existing pensions law" means any pensions enactment in force in any part of the Federation immediately before 27th May 1967 (being the day appointed for the commencement of the Transferred Officers and Pensions

1971 No. 8. Liability Etc. Decree 1971)."

11. Without prejudice to section 10 (2) of this Decree, any pensions law in force in any part of the Federation immediately before the appointed day shall, from the appointed day, be read and construed with such adaptations and modifications as may be necessary or expedient for bringing the provisions of that enactment into accord with the provisions of this Decree.

General modification of pensions law.

12.—(1) This Decree may be cited as the Transferred Officers and Pensions Liability Etc. Decree 1971.

Citation, interpretation, commencement and extent.

(2) In this Decree, unless the context otherwise requires—

"the appointed day" means the date on which this Decree is deemed to have come into force;

"the Commission" means the Public Service Commission of the Federation;

"duties" includes any other functions of an office;

"enactment" includes any Act, Decree, Law or Edict;

"State" means a State created under the States (Creation and Transitional Provisions) Decree 1967.

1967 No. 14.

(3) References in this Decree to a former Region are references to the former Northern Nigeria, Eastern Nigeria, Western Nigeria or Mid-Western Nigeria.

(4) This Decree shall be deemed to have come into force on 27th May 1967 and shall apply throughout the Federation.

MADE at Lagos this 22nd day of March 1971.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its effect)

The Decree empowers the Public Service Commission of the Federation to transfer, subject to certain terms and conditions, any officer from the public service of a former Region to the public service of the Federation.

2. By virtue of the Decree any officer assigned to the Interim Common Services Agency shall be deemed to have been transferred to the public service of the Federation, and on the expiration of the life of the Interim Common Services Agency, or the Eastern States Assets and Liabilities Agency, that Commission may terminate the appointment of an officer of such Agency or, where appropriate, retire him from the public service of the Federation.

3. The Decree provides that where the holder of a pensionable office in the public service of a former Region had been assigned to perform the duties of any office, other than public service or service with the Agencies aforesaid, the Commission may transfer the officer to that office, and thereupon the officer shall be deemed to have been transferred to an "approved service", within the meaning of the Pensions Act.

4. The Decree also provides that pension payable by the government of a former Region for any period of service commencing on or after 1st October 1954 and ending immediately before the appointed day shall now become the liability of the Federal Government.